

ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY _____ SECONDED BY _____

BILL NO.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA REPEALING SUBSECTIONS 12-105-C-1.5., 12-105-E-4.5., 12-217.1-B-8., 12-218.1-B-23., 12-221.1-B-13., 12-222.1-B-31., 12-223.1-B-1., 12-224.1-C-3., 12-225.1-B-4.5., 12-306-N-28., AND 12-306-N-29., AMENDING SUBSECTIONS 12-105-B-2.05., 12-105-B-2.5., 12-105-C-13.7., 12-105-R-5., 12-105-T-0.5., 12-217.1-B-40, 12-221.1-B-50., 12-223.1-B-7., 12-224.1-C-10., 12-225.1-B-10., AND 12-306-I-2.2., ADDING SUBSECTIONS. 12-105-D-4.3., 12-105-D-4.5., 12-105-N-0.5., 12-105-P-15.8. AND 12-232.3-B-1.5., AMENDING SECTIONS 12-216.3-B, 12-217.1-B, 12-217.3-B, 218.3-B, 12-219.3-B, 12-220.3-B, 12-221.3-B, 12-221.4-B, 12-222.3-B, 12-223.3-B, 12-224.3-B, 12-225.3-B, 12-226.3-B, 12-227.3-B, 12-227.4, 12-228.3-B, 12-231.1-C, 12-231.3-B AND 12-232.2-B, ADDING SECTIONS 12-216.4-G, 12-224.4-F, 12-225.4-D, 12-226.4-F, 12-228.4-E, 12-326, 12-327, REPEALING ARTICLE 19 OF CHAPTER 9, AMENDING THE TABLE OF CONTENTS OF CHAPTER 12, AND THE TABLE OF CONTENTS OF ARTICLE 3 OF CHAPTER 12, AND ADDING ARTICLE 4.12 TO CHAPTER 12, ALL RELATING TO RESTAURANTS, TAVERNS AND NIGHT CLUBS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. FINDINGS. The Council of the City of Fresno finds that the city contains several unique areas that warrant special consideration because of the following conditions:

- 1.1. Downtown Fresno: Downtown is distinguished from suburban Fresno by a concentration of buildings, historic structures and access to three regional freeways, and contains distinct characteristics that warrant special consideration when adopting land use regulations.
- 1.1. The Council finds that in order to implement adopted plans and policies, specifically Objective C-5 of the Fresno General Plan, and Commercial Policy 2 and Cultural and Entertainment Policy 5 of the Central Area Community Plan, which collectively stress the need for a vibrant and diverse downtown, special consideration is warranted to allow for greater land use intensity and entertainment activities during non-traditional hours and to make downtown Fresno a destination and center of activity during non-business hours.
- 1.2. The Council finds that downtown Fresno revitalization is imperative to the region and recognizes that in order to prevent the further decline of industrial sites within downtown

as stated in Objective C-6 of the 2025 Fresno General Plan, special land use considerations such as permitting uses that would not be permitted in similar zone districts outside of the downtown area, are necessary to promote downtown revitalization.

- 1.3. As documented in the Central Area Community Plan, the Council recognizes land use differences north of Divisadero which is comprised of older residential neighborhoods and south of Divisadero which contains a mix of land uses and intensities that merit different regulations.
- 1.4. The Council finds that in order to meet market conditions and per Objective D-1 of the 2025 Fresno General Plan, the city should create conditions that allow Fresno businesses to adapt to new market conditions. Therefore, new regulations are warranted that reflect contemporary business practices.
- 1.5. The Council finds that after hour (i.e., after 2 o'clock a.m.) entertainment venues are necessary in order to meet regional market demands and clustering such uses will help minimize future impacts to surrounding neighborhoods in traditional suburban type developments while simultaneously creating an entertainment district.
- 1.6. The Council finds that downtown Fresno offers numerous public parking structures and other parking opportunities, therefore reducing the required number of off-street parking spaces in comparison to traditional suburban type developments for Restaurants, Taverns and Night Clubs is appropriate.
- 1.7. The Council finds that in order to provide innovative and flexible development alternatives and to be a catalyst for downtown revitalization, special consideration is given to downtown Fresno.
- 1.8. Tower District Specific Plan Area: The Council finds that in order to create a pedestrian friendly environment, as stated by Goal III, Policy 2 and Section 4.2 of the Tower District Specific Plan special consideration is given to the Tower District Specific Plan area which

already provides a plethora of late night entertainment venues.

- 1.9. As documented in the Tower District Specific Plan, special consideration is given to this area to further foster entertainment options which are considered appropriate in commercial areas within the Tower District.

SECTION 2. Article 19 of Chapter 9 of the Fresno Municipal Code is repealed.

~~ARTICLE 19~~

~~DANCING AND ENTERTAINMENT~~

SECTION 3. Subsection 2.05. of Section 12-105-B of the Fresno Municipal Code is amended to read:

- 2.05. ~~BAR shall mean any premises designed, maintained, operated, used or intended to be used for the selling or serving of alcoholic beverages to the public for consumption on the premises, in which the serving of food, if any, is incidental to the consumption of alcoholic drinks. The dining area of a restaurant utilized primarily for the serving and consumption of food shall not constitute a bar, even though alcoholic beverages may be served therein. Hours of Operations shall be consistent with State of California, *Business and Professions Code Section 25631 & 25632* [shall mean the same as TAVERN.]~~

SECTION 4. Subsection 2.5. of Section 12-105-B of the Fresno Municipal Code is amended to read:

- 2.5. BANQUET HALL shall mean a facility primarily engaged in providing banquet rooms[,] and meals[, and dancing] for special occasions including, but not limited to, formal dinners, receptions, reunions, benefits, and club meetings. Dancing may only be provided in conjunction with, and subservient to said events as noted above. ~~Such a facility may be an independent use or may be associated with a hotel or a restaurant.~~

SECTION 5. Subsection 1.5. of Section 12-105-C of the Fresno Municipal Code is repealed.

~~1.5. CAFE DANCING shall mean any dancing in a restaurant open to the general public, but only where such dancing involves the active participation of patrons of the establishment and no exhibitions or performances by entertainers. The requirements of Section 12-306-N-29 shall apply.~~

SECTION 6. Subsection 13.7. of Section 12-105-C of the Fresno Municipal Code is amended to read:

13.7 COCKTAIL LOUNGE ~~shall mean the same as "BAR".~~ [,shall mean the same as TAVERN.]

SECTION 7. Section 12-105-D of the Fresno Municipal Code is amended by adding Subsection 4.5. thereto to read:

[4.3. DANCE shall mean any dance to which the public generally may gain admission with or without the payment of a fee. Private dances, such as weddings and formals are not included in this definition and are permitted under the definition of Banquet Hall.]

SECTION 8. Section 12-105-D of the Fresno Municipal Code is amended by adding Subsection 4.5. thereto to read:

[4.5. DANCE HALL shall mean the same as NIGHT CLUB.]

SECTION 9. Subsection 4.5. of Section 12-105-E of the Fresno Municipal Code is repealed.

~~4.5. ENTERTAINMENT VENUE means any single event, a series of events, or an ongoing activity or business, occurring alone or as part of another business (e.g., restaurant), to which the public is invited or allowed to watch, listen to, or participate with, the entertainment being presented. The entertainment presentation may be made either by a single performer or by multiple performers.~~

~~This use may include music for dancing by the patrons, provided "live" by musicians, or by a recorded program, typically operated by a person or persons known as a "DJ", or "disc jockey".~~

SECTION 10. Section 12-105-N of the Fresno Municipal Code is amended by adding Subsection 0.5. thereto to read:

[0.5. NIGHT CLUB shall mean a facility that provides a dance floor and live or recorded music for customer dancing, and may or may not provide entertainment, such as live performances of the arts (music, comedy, readings, dance, plays, etc.). A Night Club differs from either a Restaurant or

Tavern in that dancing by the customer is permitted. The serving of food or alcoholic beverages is optional.

SECTION 11. Section 12-105-P of the Fresno Municipal Code is amended by adding Subsection 15.8. thereto to read:

[15.8. PUB shall mean the same as TAVERN.]

SECTION 12. Subsection 5. of Section 12-105-R of the Fresno Municipal Code is amended to read:

5. RESTAURANT shall mean a [commercial establishment where,] public eating place whose primary business is the preparation of food, to be served to, and consumed on-site, by the customer. The sale of alcoholic beverages requires a conditional use permit. [during all business hours, food is prepared for and served to the customer, for consumption on or off the premises. It shall be operated as a bona fide eating place that maintains approved and permitted suitable kitchen facilities within the establishment, thereby making actual and substantial sales of meals.]
~~This definition includes, but is not limited to a, dinner house, cafe, coffee shop, sandwich shop, cafeteria, buffet, and similar uses, but does not include: a cafeteria or lunchroom that is part of a workplace, a catering service, or a business that prepares for pick-up or delivery orders only, where there are no facilities available for consumption of the product on-site.~~ [A restaurant may provide entertainment for the customer by performers of the arts (music, dance, comedy, readings, etc.), and differs from a Night Club in that it does not provide floor space for customer dancing and dancing is prohibited. A restaurant differs from a Tavern because it must prepare and serve food at all times during business hours and the sale of alcoholic beverages is secondary to the sale of food.
~~A restaurant may occur in conjunction with another permitted use in the~~

~~District in which it is located, such as, but not limited to a hotel, bowling alley, department store, etc.~~

SECTION 13. Subsection 5. of Section 12-105-T of the Fresno Municipal Code is amended to read:

- 0.5. TAVERN shall mean ~~the same as "BAR".~~ [an establishment whose primary business is the sale of alcoholic beverages to customers for consumption on the premises. This does not include on-site manufacturing of alcoholic beverages. While a Tavern may have facilities for performers of the arts (music, comedy, etc.) for the entertainment of the customer, it differs from a Night Club in that customer dancing is prohibited. A Tavern differs from a Restaurant in that it is not required to prepare and serve food.]

SECTION 14. Section 12-216.3-B of the Fresno Municipal Code is amended to read:
C-P/cup

B. Uses permitted subject to a Conditional Use Permit.

- [1. Alcohol, the retail sale of, for on-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- 4[2]. Ambulance service.
- 2[3]. Banquet hall.
- 3[4]. Book store, not to exceed 2,500 square feet in gross floor area.
- 4[5]. Buildings over two stories in height, pursuant to Section 12-216.5-D.
- 5[6]. Electrical distribution substation.
- 6[7]. Furrier, as defined in Subsection 12-105-F-18.
- 7[8]. Group housing facility for seven (7) or more persons, subject to Section 12-306-N-43.
- 8[9]. Microwave relay stations.
- 9[10]. Multiple dwellings subject to the findings of Subsection 12-306-N-19.
- [11. Night Club is permitted only when it is within a Hotel and customer access

is only through the Hotel lobby, and pursuant to Sections 12-326 and 12-327.]

- 40[12]. Post Office [.] ~~substation.~~
- 41[13]. Prescription pharmacy, subject to the provisions of Subsection 12-105-P-10.
- 42[14]. Private residence clubs, fraternity and sorority houses, rooming and boarding houses.
- 43[15]. Mixed Use projects pursuant to Section 12-325 ~~of this Code.~~
- 44[16]. Restaurant ~~(with or without alcoholic beverages).~~
- 45[17]. Small animal veterinary hospital, subject to the provisions of Subsections 12-306-I-2.2.t and 12-306-N-20.
- 46[18]. Subdivision signs--Off-site, if proposed as specified in Subsection 12-207.5-K-4.
- [19. Tavern, pursuant to Section 12-326.]
- 47[20]. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

SECTION 15. Section 12-216.4-G is added to the Fresno Municipal Code to read:

~~C-P/exp. prohibited~~

[G. Night Club unless located in a hotel]

SECTION 16. Subsection 8. of Section 12-217.1-B of the Fresno Municipal Code is repealed.

~~C-1/br~~

~~8. _____ Cafe dancing, subject to the provisions of Subsection 12-306-N-29.~~

SECTION 17. Subsection 40. of Section 12-217.1-B of the Fresno Municipal Code is amended to read:

~~C-1/br~~

40. Restaurants ~~(serving no alcoholic beverages)~~

SECTION 18. Section 12-217.3-B of the Fresno Municipal Code is amended to read:

~~C-1/cup~~

B. Uses permitted subject to Conditional Use Permit.

[1. Alcohol, the retail sale of, for on- or off-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]

4[2]. Ambulance Service.

- 2[3]. Automobile service station, subject to the provision of Subsection 12-306-N-32.
- 3[4]. Car wash, drive-through; as defined in Subsection 12-105-C-6-a.
- 4[5]. Electrical distribution substation.
- 5[6]. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
- 6[7]. Furniture store, having gross floor area of less than 15,000 square feet.
- 7[8]. Ice and food products dispensing machines.
- ~~8. Liquor products (packages).~~
- 9. Microwave relay structures.
- 10. Public parking lot or structure, subject to the provisions of Sections 12-217.5 and 12-306-I.
- ~~11. Restaurants (serving only wine or beer with meals).~~
- 12[11]. Restaurant, Drive-In, as defined in Subsection 12-105-R-5.1.
- ~~13. Cocktail lounge in conjunction with and subordinate to a restaurant, subject to the provisions of Subsection 12-306-N-28.~~
- 14[12]. Mixed Use projects pursuant to Section 12-325.
- 15[13]. Slot car racing shop.
- 16[14]. Subdivision signs, off-site, if proposed as specified in Subsection 12-207.5-K-4.
- [15. Tavern, pursuant to Section 12-326.]
- 17[16]. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

SECTION 19. Subsection 23. of Section 12-218.1-B of the Fresno Municipal Code is repealed.

C-2/br

~~23. Restaurants (serving no alcoholic beverages)~~

SECTION 20. Section 12-218.3-B of the Fresno Municipal Code is amended to read:

C-2/cup

- B. Uses permitted subject to Conditional Use Permit.

- [1. Alcohol, the retail sale of, for on- or off-site consumption, pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- ~~4~~[2. Automobile accessory parts (new) retail sales.
- 2[3. Automobile service station, subject to the provisions of Subsection 12-360-N-32.
- ~~2A~~[4. Banquet Hall
- ~~3.~~ ~~Bars and cocktail lounges.~~
- 4[5. Car wash:
 - a. Drive-through; as defined in Subsection 12-105-C-6-a.
 - b. Mechanical; as defined in Subsection 12-105-C-6-b.
- 5[6. Electrical distribution substation.
- ~~6~~[7. Family Restaurant, Game and Entertainment Center, subject to provisions of Section 12-306-N-37.
- ~~7~~[8. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
- 8[9. Ice and food products dispensing machines.
- ~~9.~~ ~~Liquor products (packaged).~~
- 10. Microwave relay stations.
- 11. Motion picture theaters as defined in Subsection 12-105-M-10.
- [12. Night Club, pursuant to Sections 12-326 and 12-327.]
- ~~12~~[13. Pool and billiards parlor in conjunction with a restaurant, subject to the provisions of Subsection 12-306-N-31.
- ~~13~~[14. Public parking lot or structure, subject to the provisions of Sections 12-218.5 and 12-306-I.
- ~~14~~[15. Mixed Use projects pursuant to Section 12-325.

15. ~~Restaurants (serving alcoholic beverages).~~
16. Small animal veterinary hospitals and clinics, within a completely enclosed building, with no boarding except as is incidental to medical care, subject to provisions of Sections 12-306-I and 12-306-N.
17. Subdivisions signs--Off-site, if proposed as specified in Subsection 12-207.5-K-4-e.
18. Tavern, pursuant to Section 12-326.]
- ~~18~~ [19]. Tire, battery, and accessory retail sales and service store.
- ~~19~~ [20]. Thrift Shops, subject to the provisions of Subsection 12-306-N-36.
- ~~20~~ [21]. Video game arcades, subject to the provisions of Subsection 12-306-N-35.
- ~~21~~ [22]. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

SECTION 21. Section 12-219.3-B of the Fresno Municipal Code is amended to read:

C-3/cup

B. Uses permitted subject to Conditional Use Permit.

1. Alcohol, the retail sale of, for on- or off-site consumption, pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- ~~4~~ [2]. Banquet hall.
2. ~~Bar or cocktail lounge.~~
3. ~~[Reserved.]~~
- ~~4~~ [3]. Electrical distribution substation.
- ~~5~~ [4]. Family Restaurant, Game and Entertainment Center, subject to provisions of Subsection 12-306-N-37.
- ~~6~~ [5]. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
- ~~7~~ [6]. Ice and food products dispensing machines.
8. ~~Liquor products (packaged).~~

- 9[7]. Meat jobber.
- 10[8]. Microwave relay structures.
- [9]. Night Club, pursuant to Sections 12-326 and 12-327.]
- 11[10]. Pool and billiard parlors.
- 12. ~~Restaurants (serving alcoholic beverages).~~
- 13[11]. Mixed Use projects pursuant to Section 12-325.
- 14[12]. Skating rinks.
- 15[13]. Small animal veterinary hospitals and clinics, within completely enclosed building, with no boarding except as is incidental to medical care, subject to provisions of Section 12-306-1 and Subsection 12-306-N-20.
- [14. Tavern, pursuant to Section 12-326.]
- 16[15]. Tire, battery, and accessory parts retail sales and service store.
- 17[16]. Video game arcades, subject to the provisions of Subsection 12-306-N-35.
- 18[17]. Water pump stations, subject to the provisions of Subsection 12-306-N-46.

SECTION 22. Section 12-220.3-B of the Fresno Municipal Code is amended to read:

C-4/cup

- B. Uses permitted subject to a Conditional Use Permit.
 - [1. Adult day care facilities, subject to Subsection 12-306-N-42.]
 - [2. Alcohol, the retail sale of, for on- or off-site consumption, pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
 - 1[3]. Automobile rental.
 - 2[4]. Automobile repair (conducted within an enclosed building).
 - 3[5]. Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.
 - 4[6]. Automobile service station.
 - 5[7]. Banquet hall.
 - 6. ~~Bar or cocktail lounge.~~

7. ~~[Reserved].~~
8. Bus terminals.
9. Car wash, self-service; as defined in Subsection 12-105-C-6-c.
10. Caretaker's residence.
11. Electrical distribution substation.
12. Family Restaurant, Game and Entertainment Center, subject to provisions of Subsection 12-306-N-37.
13. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
14. Group housing facilities for seven (7) or more persons, subject to Subsection 12-306-N-43.
15. Ice and food products dispensing machines within the Central Business District Core Area.
- ~~16. Liquor products (packaged).~~
- 17[16]. Micro-breweries.
- 18[17]. Mortuaries.
- 19[18]. Motion picture theater, adult, subject to the provisions of Section 12-306-N-30 .
- 20[19]. Motion picture theaters.
- 21[20]. Motorcycle retail sales and service, subject to the provisions of Subsection 12-306-N-54.
- [21. Night Club, pursuant to Sections 12-326 and 12-327.]
22. Pawn shops.
23. Pool and billiard parlors.
24. Public parking lot or structure, subject to the provisions of Sections 12-220.5 and 12-306.

25. Mixed Use projects pursuant to Section 12-325.
- ~~26. Restaurants (serving alcoholic beverages).~~
- ~~27~~[26]. Secondhand goods sale (all goods displayed, sold and stored within an entirely enclosed building).
- ~~28~~[27]. Small animal veterinary hospitals and clinics, within completely enclosed building, with no boarding except as is incidental to medical care, subject to provisions of Sections 12-306-I and 12-306-N.
- [28. Tavern, pursuant to Section 12-326.]
29. Tire, battery, and accessory parts retail sales and service store.
30. Water pump stations, subject to the provisions of Subsection 12-306-N-46.
- ~~31. Adult day care facilities, subject to Subsection 12-306-N-42.~~

SECTION 23. Subsection 13. of Section 12-221.1-B of the Fresno Municipal Code is repealed.

C-5/br

- ~~13. Cafe Dancing, subject to the provisions of Subsection 12-306-N-29.~~

SECTION 24. Subsection 50. of Section 12-221.1-B of the Fresno Municipal Code is amended to read:

C-5/br

50. Restaurants ~~(serving no alcoholic beverages)~~

SECTION 25. Section 12-221.3-B of the Fresno Municipal Code is amended to read:

C-5/cup

- B. Uses permitted subject to Conditional Use Permit.

1. Adult day care facilities, subject to Subsection 12-306-N-42.
- [2. Alcohol, the retail sale of, for on- or off-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- ~~2~~[3]. Automobile muffler shop, when located within a completely enclosed building.
- ~~3~~[4]. Buildings over ~~two stories or~~ thirty-five feet in height, pursuant to Section 12-222.5-D ~~below.~~
- 4[5]. Car wash, drive-through; as defined in Subsection 12-105-C-6-a.

- 5[6]. Caretaker's residence.
- 6[7]. Churches.
- 7[8]. Drug manufacturer (beyond that which would be consistent with the definition of "drugstore" as provided in FMC 12-105-D-14 or "pharmacy" as provided in FMC 12-105-P-10 and Business and Professions Code Section 4035), subject to the provisions of Section 12-306-N-48.
- 8[9]. Furniture or automobile upholstery shop when located within a completely enclosed building.
- 9[10]. Group home facilities, for seven (7) or more persons, subject to Subsection 12-306-N-43.
- 10[11]. Ice and food products dispensing machines.
- 11. ~~Liquor products (packaged).~~
- 12. Lodges, clubs, and fraternal organizations.
- 13. Mortuaries.
- [14. Night Club, only permitted when it is within the boundaries Tower District Specific Plan, pursuant to Sections 12-326 and 12-327.]
- 14[15]. One single-family dwelling unit used in combination with permitted nonresidential uses.
- 15[16]. Public parking lots or structures.
- 16[17]. Mixed Use project pursuant to Section 12-325 of this Code.
- 17. ~~Restaurant with bar or cocktail lounge.~~
- [18. Secondhand store, subject to paragraphs a. through d. of subsection 36 of Section 12-306-N.]

- 18[19]. Small animal veterinary hospitals and clinics, within completely enclosed building, with no boarding except as incidental to medical care, subject to provisions of Sections 12-306-I and 12-306-N.
- 19. ~~Secondhand store, subject to paragraphs a. through d. of subsection 36 of Section 12-306-N.~~
- 20. ~~Restaurants (serving alcoholic beverages).~~
- 21[20]. Storage of hot lunch wagons.
- [21. Tavern, pursuant to Section 12-326.]
- [22. Thrift, shops, subject to the provisions of Section 12-206-N.]
- 22[23]. Tire, battery, and accessory parts retail sales and service store.
- 23. ~~Thrift, shops, subject to the provisions of Section 12-206-N.~~

SECTION 26. Section 12-221.4-B of the Fresno Municipal Code is amended to read:

C-5/Exp. Prohibited

- B. 1. ~~New residential uses except as part of a residential/commercial mixed use project. Existing residential uses other than those listed as permitted uses shall be subject to provisions of Section 12-317, nonconforming buildings and uses.~~
[Any combination of residential uses other than those listed as permitted and nonresidential uses at the same time on a lot, or in any structure thereon, except as part of a residential/commercial mixed use project.]
- 2. ~~Any combination of residential uses other than those listed as permitted and nonresidential uses at the same time on a lot, or in any structure thereon, except as part of a residential/commercial mixed use project.~~ [Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.]
- 3. Industrial uses other than those listed in Sections 12-221.1 and 12-221.3.
- 4. ~~Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.~~
New residential uses except as part of a residential/commercial mixed use

project. Existing residential uses other than those listed as permitted uses shall be subject to provisions of Section 12-317, nonconforming buildings and uses.

- [5. Night Club when it is not within the boundaries of the Tower District Specific Plan, pursuant to Sections 12-326 and 12-327.]

SECTION 27. Subsection 31. of Section 12-222.1-B of the Fresno Municipal Code is repealed.

C-6/br

~~31. — Restaurants (serving no alcoholic beverages)~~

SECTION 28. Section 12-222.3-B of the Fresno Municipal Code is amended to read:

C-6/cup

B. Uses permitted subject to Conditional Use Permit.

1. Adult Day Care Facilities, subject to subsection 12-306-N-42.
- [2. Alcohol, the retail sale of, for on- or off-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- 2[3]. Auction house.
- 3[4]. Auditorium.
- 4[5]. Automobile rental.
- 5[6]. Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.
- 6[7]. Banquet hall.
7. ~~Bars and cocktails lounges.~~
8. Body and fender shops, when located within completely enclosed buildings.
9. Buildings over ~~two stories or~~ thirty-five feet in height, pursuant to Section 12.222.5-D ~~below.~~
10. Bus terminals.
11. Car wash:
 - a. Drive-through; as defined in Subsection 12-105-C-6-a.
 - b. Mechanical; as defined in Subsection 12-105-C-6-b.
 - c. Self-service; as defined in Subsection 12-105-C-6-c.

12. Caretaker's residence.
13. Churches.
14. Damaged Automobile Storage Yard, subject to the provisions of Section 12-105-D and Section 12-306-N-4.5.
15. Drive-in movies.
16. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
17. Golf driving ranges.
18. Group home facilities, subject to Subsection 12-306-N-43.
19. Hotels.
- ~~20. Liquor products (packaged).~~
- ~~21~~[20]. Lodges, clubs and fraternal organizations.
- ~~22~~[21]. Microwave relay structure.
- ~~23~~[22]. Mortuary or funeral parlor.
- ~~24~~[23]. Motels.
- ~~25~~[24]. Motion picture theater, adult, subject to the provisions of Section 12-306-N-30.
- ~~26~~[25]. Motion picture theaters.
- ~~27~~[26]. Motorcycle retail sales and service, subject to the provisions of Subsection 12-306-N-54.
- ~~28~~[27]. Natatorium.
- [28. Night Club, pursuant to Sections 12-326 and 12-327.]
29. One single-family dwelling unit used in combination with permitted nonresidential uses.
30. Pitch and putt golf course.

31. Plumbing supplies (when located within a completely enclosed building or solid masonry walls).
32. Pool and billiard parlors.
33. Public parking lot and structures.
34. Recreational slide.
35. Mixed Use projects pursuant to Section 12-325 of this Code.
- ~~36. Restaurants (serving alcoholic beverages).~~
- ~~37~~[36]. Sports arenas.
- ~~38~~[37]. Self-service wholesaling which shall mean the sale of merchandise for use or resale to individuals or institutions on a single item or case basis as opposed to the multiple case lot common to wholesale distribution.
Merchandise shall be selected and transported by the customer. Gross floor area shall be limited to ten thousand square feet.
- [38. Tavern, pursuant to Section 12-326.]
39. Tire recapping, retreading and rebuilding (with the provision that all tires shall be sold on the premises at retail only and direct to the ultimate consumer; there be no more than four molds used in conjunction with the operation; all activity including storage be maintained completely within an enclosed building).

SECTION 29. Subsection 1. of Section 12-223.1-B of the Fresno Municipal Code is repealed.

C-R/br

- ~~1. Cafe Dancing subject to the provisions of Subsection 12-306-N-29.~~

SECTION 30. Subsection 7. of Section 12-223.1-B of the Fresno Municipal Code is amended to read:

C-R/br

7. Restaurants ~~(serving no alcoholic beverages)~~

SECTION 31. Section 12-223.3-B of the Fresno Municipal Code is amended to read:

C-R/cup

- B. Uses permitted subject to Conditional Use Permit.

- [1. Alcohol, the retail sale of, for on-site consumption pursuant to Sections 12-

304-B-24 and 12-326, as applicable.]

- 1[2]. Banquet halls.
- ~~1.5.~~ ~~Bars.~~
- 2[3]. Electrical distribution substation.
- *3[4]. Microwave relay stations.
- [5. Night Club, pursuant to Sections 12-326 and 12-327.]
- ~~3.5. Restaurants (serving alcoholic beverages).~~
- 4[6]. Riding stables and academies.
- [7. Tavern, pursuant to Section 12-326.]
- *5[8]. Water pump stations, subject to the provisions of Subsection 46 of Section

SECTION 32. Subsection 3. of Section 12-224.1-C of the Fresno Municipal Code is repealed.

C-M/br

~~3. — Cafe Dancing subject to the provisions of Subsection 12-306-N-29.~~

SECTION 33. Subsection 10. of Section 12-224.1-C of the Fresno Municipal Code is amended to read:

C-M/br

10. ~~Restaurants (serving no alcoholic beverages)~~

SECTION 34. Section 12-224.3-B of the Fresno Municipal Code is amended to read:

C-M/cup

B. Uses permitted subject to a Conditional Use Permit.

- [1. Alcohol, the retail sale of, for on- or off-site consumption, pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- 1[2]. Animal hospital and shelter.
- 2[3]. Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.
- 2.5[4] Banquet Hall
- ~~3. Bars and Cocktail Lounges.~~
- 4[5]. Car wash, self-service; as defined in Subsection 12-105-C-6-c.
- 5[6]. Commercial blood banks.
- 6[7]. Electric motor rebuilding.

- 7[8]. Group housing facilities for seven (7) or more persons, subject to Subsection 12-306-N-43.
- 8[9]. Kennels.
- 9[10]. Microwave relay structures.
- 10[11]. Mortuaries.
- 11[12]. Motels, Hotels.
- 12[13]. Motorcycle retail sales and service, subject to the provisions of Subsection 12-306-N-54.
- [14. Night Club, only permitted when it is within the boundaries of the Central Area Community Plan, and pursuant to Sections 12-326 and 12-327.]
- 13[15]. Recreational sports facility, in accordance with Subsection 12-306-N-53.
- 14[16]. Mixed Use project, when located within the boundaries of the Central Area Plan, pursuant to Subsection 12-325.
- 15. ~~Restaurant (serving alcoholic beverages).~~
- 16[17]. Rubber, fabrication of products made from finished rubber.
- [18. Tavern, pursuant to Section 12-326.]

SECTION 35. Section 12-224.4-F is added to the Fresno Municipal Code to read:

C-M/exp. prohibited

- [F. NIGHT CLUB WHEN IT IS NOT WITHIN THE BOUNDARIES OF THE CENTRAL AREA COMMUNITY PLAN,

SECTION 36. Subsection 4.5. of Section 12-225.1-B of the Fresno Municipal Code is repealed.

M-1-P/br

- 4.5. ~~Cafe Dancing, subject to the provisions of Subsection 12-306-N-29.~~

SECTION 37. Subsection 10. of Section 12-225.1-B of the Fresno Municipal Code is amended to read:

M-1-P/br

- 10. Restaurants ~~(serving no alcoholic beverages)~~

SECTION 38. Section 12-225.3-B of the Fresno Municipal Code is amended to read:

M-1-P/cup

- B. Uses permitted subject to Conditional Use Permit.

- *1. Agricultural uses.
- [2. Alcohol, the retail sale of, for on-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- 2[3]. Animal hospital and shelter.
- 2.5[4]. Banquet and/or conference facility.
- 3[5]. Commercial uses that are incidental and directly related to and serving the personnel of the permitted industrial uses, providing that the Director determines that the proposed use will not be incompatible with uses in the surrounding residential districts.
- 4[6]. Drive-in theater.
- 4.5[7]. Freestanding electronic variable message board, subject to the provisions of Subsection 12-306-N-55.
- 5[8]. Ice and cold storage plants.
- 6[9]. Mortuaries.
- 7[10]. Punch presses.
- 7.5. ~~Restaurants (serving alcoholic beverages).~~
- 8[11]. Super service station.
- [12. Tavern, pursuant to Section 12-326.]

SECTION 39. Section 12-225.4-D is added to the Fresno Municipal Code to read:
M-1-P/exp. prohibited

[D. Night Club]

SECTION 40. Section 12-226.3-B of the Fresno Municipal Code is amended to read:
M-1/cup

- B. Uses permitted subject to a Conditional Use Permit.
 - 1. Aircraft factory.
 - 2. Advertising structures, subject to the provisions of Section 12-306-K.
 - [3. Alcohol, the retail sale of, for on- or off-site consumption pursuant to

Sections 12-304-B-24 and 12-326, as applicable.]

- ~~3~~[4]. Animal and Poultry Slaughtering or Packing, when located within the boundaries of an approved Redevelopment Plan or Specific Plan, subject to the provisions of Section 12-306-N-25.
- ~~4~~[5]. Automobile retail sales, subject to the provisions of Subsection 12-306-N-54.
- ~~5~~[6]. Baled cotton storage.
- ~~5.5~~[7]. Banquet Hall.
- ~~6~~[8]. Bookstore, adult, subject to the provisions of Section 12-306-N-30 .
- ~~7~~[9]. Car wash:
 - a. Drive-through; as defined in Subsection 12-105-C-6-a.
 - b. Mechanical; as defined in Subsection 12-105-C-6-b.
 - c. Self-service; as defined in Subsection 12-105-C-6-c.
- ~~8~~[10]. Concrete and cement products.
- ~~9~~[11]. Cotton compress.
- ~~10~~[12]. Group housing facilities for seven (7) or more persons, subject to Subsection 12-306-N-43.
- ~~11~~[13]. Meat packing and meat processing, subject to the provisions of Section 12-306-N-22.
- ~~12~~[14]. Microwave relay structure.
- ~~13~~[15]. Motion picture theater, adult, subject to the provisions of Section 12-306-N-30.
- ~~14~~[16]. Motorcycle retail sales and service, subject to the provisions of Subsection 12-306-N-54.
- ~~1~~[17]. Night Club, only permitted when it is within the boundaries of the Central Area Community Plan, and pursuant to Sections 12-326 and 12-327.]
- ~~15~~[18]. Poultry processing.

- 16[19]. Punch presses over twenty tons.
- 17[20]. Recreational sports facility, in accordance with Subsection 12-306-N-53.
- 18[21]. Mixed Use project, when located within the boundaries of the Central Area Plan, pursuant to Subsection 12-325. ~~of this Code.~~
- 19. ~~Restaurants (serving alcoholic beverages).~~
- 20[22]. Solid waste transfer station.
- [23. Tavern, pursuant to Section 12-326.]
- 21[24]. Theater, adult, subject to the provisions of Section 12-306-N-30.
- 22[25]. Used materials yards.
- 23[26]. Wholesale lumber yards.

SECTION 41. Section 12-226.4-F is added to the Fresno Municipal Code to read:

M-1/ exp. prohibited

[F. Night Club when it is not within the boundaries of the Central Area Community Plan.]

SECTION 42. Section 12-227.3-B of the Fresno Municipal Code is amended to read:

M-2/cup

B. Uses permitted subject to Conditional Use Permit.

- 1. Advertising structures.
- 2. Aircraft factory.
- [3. Alcohol, the retail sale of, for on- or off-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- 3[4]. Asphalt and asphaltic concrete mixing or batching plants.
- 4[5]. Bookstore, adult, subject to the provisions of Section 12-306-N-30.
- *5[6]. Concrete and cement products.
- 6[7]. Motion picture [theater], adult, subject to the provisions of Section 12-306-N-30.
- *7[8]. Poultry processing.
- *8[9]. Punch presses over twenty tons.
- *9[10]. Ready-mix concrete.

- 9.5. ~~Restaurants (serving alcoholic beverages).~~
- 40[11]. Solid waste transfer station.
- [12. Tavern, pursuant to Section 12-326.]
- 44[13]. Theater, adult, subject to the provisions of Section 12-306-N-30.

SECTION 43. Section 12-227.4 of the Fresno Municipal Code is amended to read:

M-2/ exp. prohibited

SEC. 12-227.4. USES EXPRESSLY PROHIBITED.

The following uses are expressly prohibited in the "M-2" District:

- A. ~~The uses listed as expressly prohibited in the "M-1" District, Section 12-226.4, shall apply.~~
- B. ~~Automobile retail sales.~~
- [A. Automobile retail sales.
- B. Night Club
- C. The uses listed as expressly prohibited in the "M-1" District, Section 12-226.4, shall apply.]

SECTION 44. Section 12-228.3-B of the Fresno Municipal Code is amended to read:

M-3/cup

- B. Uses permitted subject to Conditional Use Permit.
 - 1. Acetylene gas manufacture or storage.
 - 2. Acid manufacture.
 - 2.1[3]. Advertising structures.
 - *3[4]. Aircraft factory.
 - 4[5]. Alcohol distillation, including wineries and breweries (when not connected with adequate public sewers).
 - [6. Alcohol, the retail sale of, pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
 - *5[7]. Aluminum foundry.

- 6[8]. Ammonia bleaching powder or chlorine manufacture.
- 7[9]. Animal and poultry slaughtering or packing.
- 8[10]. Asphaltic and asphaltic concrete, mixing or batching plants.
- 9[11]. Automobile wrecking, junk, rag or scrap iron storage or baling.
- 10[12]. Blast furnace or coke oven.
- 11[13]. Bone, coal or wood distillation.
- 11.1[14]. Bookstore, adult, subject to the provisions of Section 12-306-N-30.
- 12[15]. Brick or tile products manufacture.
- 13[16]. Cement, lime, gypsum, potash, or plaster of paris manufacture.
- *14[17]. Cinder and cinder block manufacturing.
- *15[18]. Clay and clay products manufacturing.
- *16[19]. Cotton ginning or oil milling.
- 17[20]. Drop forge industries manufacturing forgings with power hammers.
- 18[21]. Dumping, refuse.
- 19[22]. Explosives manufacturing or storage.
- 20[23]. Fat rendering, tallow, grease, or lard manufacture or refining.
- *21[24]. Fertilizer (inorganic), the compounding of dried inorganic materials.
- 22[25]. Fish smoking, curing, or canning.
- *23[26]. Fruit and vegetable processing.
- *24[27]. Fungicides manufacturing or processing.
- 25[28]. Garbage, offal, dead animal, or refuse incineration, reduction or dumping.
- *26[29]. Glass blowing (industrial) and glass bottle production.
- *27[30]. Glass manufacturing.
- 28[31]. Glue manufacturing.
- 29[32]. Grain milling and sacking.

- 30[33]. Insecticides manufacturing (flammable type).
- 34[34]. Iron, steel, brass, or copper foundry or fabrication plant, including roller mill or boiler works.
- 32[35]. Lamp black manufacture, including stove or shoe polish manufacture.
- 32.4[36]. Motion picture theater, adult, subject to the provisions of Section 12-306-N-30.
- *33[37]. Oilcloth or linoleum manufacture.
- *34[38]. Oils and fats (vegetable) refining.
- 35[39]. Olive oil plant or olive processing plant.
- 36[40]. Ore reduction, including refining and smelting of metals.
- 37[41]. Organic fertilizer manufacturing.
- 38[42]. Paint, pigments, enamels, japans, lacquers, putty, thinner, varnishes, whiting, wood fillers, and stains manufacturing.
- 39[43]. Petroleum refining or petroleum product manufacture or storage, including gas and asphalt.
- *40[44]. Plastic manufacture.
- *41[45]. Railroad repair shops.
- 41.5. ~~Restaurants (serving alcoholic beverages).~~
- 42[46]. Rubber or gutta-percha manufacture.
- *43[47]. Salt works.
- *44[48]. Sand blasting.
- *45[49]. Sawmills.
- 46[50]. Soap manufacturing.
- 47[51]. Soda and compound manufacturing.
- 48[52]. Solid waste transfer station.
- 49[53]. Stock feed lots and stockyards.

- 50[54]. Syrup and grape sugar manufacture.
- 51[55]. Tanning, curing, or storing of rawhides or skins.
- [56. Tavern, pursuant to Section 12-326.]
- 51.1[57]. Theater, adult, subject to the provisions of Section 12-306-N-30.
- 52[58]. Waste-to-energy plant.
- 53[59]. Wool pulling or scouring.
- *54[60]. Yeast manufacturing.
- 55[61]. Other uses which by written decision are determined by the Commission to be no more obnoxious or detrimental to the public welfare by reason of the emission of odor, dust, smoke, gas, noise, vibration, or other causes.

SECTION 45. Section 12-228.4-E is added to the Fresno Municipal Code to read:

M-3/Exp. prohibited

[E. Night Club]

SECTION 46. Section 12-231.1-C of the Fresno Municipal Code is amended to read:

CC/br

C. SALES AND SERVICES

- 1. Bakery (retail)
- 2. ~~Cafe Dancing, subject to the provisions of Subsection 12-306-N-29.~~
- 3[2]. Cafeteria
- 4[3]. Confectionery
- 5[4]. Delicatessen
- 6[5]. Florist
- 7[6]. Fruit and vegetable store
- [7. Grocery store]
- 8. Health food store
- 9. Ice cream store
- 10. News stand

- ~~11.~~ ~~(Reserved)~~
- 12[11]. Restaurant ~~(serving no alcoholic beverages)~~
- 13[12]. Soft drink fountain

SECTION 47. Section 12-231.3-B of the Fresno Municipal Code is amended to read:

CC/cup

B. Uses permitted subject to a conditional use permit.

- [1. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42.]
- [2. Alcohol, the retail sale of, pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- 4[3]. Automobile service station within an entirely enclosed building and when provided as a subordinate adjunct to a required parking use.
- ~~2. Adult day care facilities for seven (7) to twelve (12) adults when located in a single family dwelling, subject to Subsection 12-306-N-42~~
- ~~3. Bar and cocktail lounges~~
- 4. Buildings or structures over thirty-five (35) feet in height, pursuant to subsection 12-231.5-D ~~below~~
- 5. Church
- 6. Electric distribution substation
- 7. Group housing facility for seven (7) or more persons, subject to Subsection 12-306-N-43
- 8. Gymnasium
- 9. Hospital
- 10. Jewelry and loan business
- 11. Microwave relay structure
- [12. Night Club, pursuant to Sections 12-326 and 12-327.]

- ~~12.~~ ~~Off-sale liquor store~~
13. Public parking
14. Mixed Use projects pursuant to Section 12-325 of this Code
- ~~15.~~ ~~Restaurants (serving alcoholic beverages)~~
- ~~16[15].~~ Sports arena.
- [16. Tavern, pursuant to Section 12-326.]
17. Variable message board structure for the display of on-site events when located in the area bounded by "M", Inyo, "O" and Ventura Streets, with a maximum structure height of forty (40) feet, and a maximum display area of one hundred and sixty (160) square feet.

SECTION 48. Section 12-232.2-B of the Fresno Municipal Code is amended to read:

C-L/cup

B. Uses permitted subject to a Conditional Use Permit:

- [1. Alcohol, the retail sale of, for on-site consumption pursuant to Sections 12-304-B-24 and 12-326, as applicable.]
- ~~4[2].~~ Bakery goods, retail sales only;
- ~~2[3].~~ Banks and savings and loan associations;
- ~~3[4].~~ Banquet Halls;
- ~~4[5].~~ Barbershop;
- ~~5[6].~~ Beauty shop;
- ~~6[7].~~ Chapels;
- ~~7[8].~~ Delicatessen;
- ~~8[9].~~ Hobby shop, retail sales only;
- ~~9[10].~~ Ice cream;
- ~~10.~~ ~~Liquor products (off-sale);~~
11. Restaurants (with or without alcoholic beverages)

12. Shoe repair shops;
13. Soft drink fountain;
14. Prescription pharmacy.

SECTION 49. Section 12-232.3-B of the Fresno Municipal Code is amended by adding Subsection 15.5. thereto to read:

~~C-L/exp. prohibited~~

[1.5. Alcohol, the retail sale of, except as provided in Section 12-232.2-B above.]

SECTION 50. The Table of Contents of Article 3 of Chapter 12 of the Fresno Municipal Code is amended to read:

ARTICLE 3
GENERAL CONDITIONS APPLICABLE TO ZONING

- Sec. 12-301. General Conditions.
- Sec. 12-302. Uses Permitted.
- Sec. 12-303. Uses Permitted Subject to Director Review and Approval.
- Sec. 12-304. Uses Permitted Subject to Conditional Use Permit.
- Sec. 12-305. Uses Expressly Prohibited.
- Sec. 12-306. Property Development Standards.
- Sec. 12-307. Property Development Standards and Regulations for Height Limitation in All Districts in the Vicinity of Airports.
- Sec. 12-308. Regulations for Oil Drilling and Similar Uses in All Districts.
- Sec. 12-309. Partially Subdivided Blocks.
- Sec. 12-310. New Construction and New Uses.
- Sec. 12-311. Existing Uses.
- Sec. 12-312. Official Plan Lines.
- Sec. 12-313. Certificates of Occupancy.
- Sec. 12-314. Permits.
- Sec. 12-315. Compliance.
- Sec. 12-316. General Provisions Applicable to Overlay Districts.

Sec. 12-317. Nonconforming Buildings and Uses.

Sec. 12-318. Abandoned Service Stations.

Sec. 12-319. Conversion of Service Stations.

Sec. 12-320. Garage Sales.

Sec. 12-321. Mid Rise and High Rise Buildings.

Sec. 12-322. Reserved.

Sec. 12-323. Reserved.

Sec. 12-324. Residential Density Bonus.

Sec. 12-325. Mixed Use.

[Sec. 12-326. Restaurants with alcohol sales, Taverns and Night Clubs.]

[Sec. 12-327. Dancing]

SECTION 51. Subsection 2.2. of Section 12-306-I of the Fresno Municipal Code is amended to read:
Parking

- 2.2 a. For bowling alleys and establishments which primarily provide recreational facilities for billiards, shuffleboard, paintball, darts, racquetball, handball, target practice and similar activities, there shall be at least one parking space for every three persons permitted to occupy the floor space of the facility.
- b. For churches, stadia, theaters, libraries, auditoriums, museums, meeting halls, banquet halls, gymnasiums, and similar places of assembly, there shall be at least one parking space for every five permanent seats or one for every forty square feet of area within the main auditorium or meeting hall, whichever provides the greater number of spaces; except that for motion picture theaters, there shall be at least one parking space for every four and one-half permanent seats. To the extent that a motion picture theater is part of a mixed-

use development with provisions for cross-access there shall be at least one parking space for every five permanent seats.

- c. For coin-operated vending machines having more than one hundred cubic feet located outdoors, there shall be at least two parking spaces provided for each such machine.
- d. ~~For dance halls, natatoriums, and similar establishments, there shall be one parking space provided for each one hundred square feet of gross floor area.~~

[d. For, Restaurants, Taverns and Night Clubs:

<u>Use</u>	<u>Gross floor area (ft²)</u>	<u>Parking spaces required</u>
<u>(1) Restaurant & Tavern:</u>		
<u>No customer seating (take-out)</u>	<u>Requirement of the Zone District</u>	
<u>Customer seating</u>	<u>0 to 4,000</u>	<u>1 space per 125 ft²</u>
	<u>4,001 or more</u>	<u>32 spaces for the initial 4,000 sq. ft. plus 1 space for each 75 ft² in excess of 4,001 sq. ft.</u>
<u>(2) Night Club</u>		
<u>All</u>	<u>-----</u>	<u>1 space per 75 ft²</u>
<u>(3) Exception for (1) and (2) above:</u>		
<u>For development located within the boundaries of the Central Area Community Plan, the parking requirement shall be determined in the following manner:</u>		
<u>a. Calculate the parking requirement pursuant to (1) and (2) above.</u>		
<u>b. The Director may modify the amount of parking, but shall not require less than 25% nor more than 75% of the calculated amount.</u>		

- e. ~~For establishments for the sale and consumption on the premises of food and beverages:~~
- (1) ~~Having four thousand square feet or less of gross floor area, there shall be one parking space for each one hundred square feet;~~

~~(2) Having more than four thousand square feet of gross floor area, there shall be forty parking spaces plus one for each fifty square feet in excess of four thousand square feet.~~

f[e]. For furniture stores in C-2 and C-3 Districts, there shall be two square feet of off-street parking area for each square foot of gross floor area. If at any time the premises are used for other than a furniture store, the parking requirements for such other use shall be met before such use is commenced. In all other districts in which furniture stores are permitted, the parking requirements specified therein shall apply.

g[f]. For hospitals, there shall be at least one parking space for every two beds or one space for every one thousand square feet of gross floor area, whichever provides the greater number, plus one space for every three employees.

h[g]. For hotels and motels, there shall be one parking space for every individual sleeping room or unit. In cases where large units may be subdivided into smaller units for individual use, there shall be one space for each of the smaller units.

i[h]. For machinery sales and wholesale stores, there shall be one parking space for each eight hundred square feet of gross floor area.

j[i]. For medical offices, there shall be four parking spaces for each doctor in any building or structure.

k[j]. For motor vehicle repair shops, there shall be one parking space for each four hundred square feet of gross floor area.

- §[k]. For mortuaries, funeral homes, and similar establishments, there shall be one parking space for each twenty square feet of gross floor area of assembly rooms, plus one space for each employee, plus one space for each car owned by such establishment.
- §[l]. For park and recreational uses, there shall be one parking space for each five thousand square feet of active recreational area within a park or playground. The number of bicycle parking stalls to be provided, shall be equal to 30% of automobile parking spaces provided, but not to exceed 40 stalls.
- §[m]. For public utility facilities such as communications equipment building, electrical substations, and the like, the following standards shall apply:
- (1) For facilities open to the public, there shall be three square feet of parking area for every one square foot of gross floor area or fraction thereof, and the parking area shall be within three hundred feet of the property served.
 - (2) For facilities not open to the public, there shall be one parking space for each two employees. This shall apply to the maximum number of employees on duty at any one time.
 - (3) For facilities wherein there are areas open and not open to the public, the parking ratios in (1) and (2) above shall be used as a basis for determining the respective amount of parking areas to be provided.
- §[n]. For a recreational slide, there shall be four parking spaces for each slide lane of the slide.

¶o. For schools, both public and private, the following standards shall apply; when relative to public schools, the standards shall be advisory only:

- (1) Elementary and junior high; there shall be one parking space for each member of the faculty and each employee and one bicycle parking space for every three students.
- (2) High schools; there shall be one parking space for each member of the faculty and each employee, plus one space for each eight students regularly enrolled and one bicycle parking space for every four students.
- (3) Junior colleges, colleges, universities, adult vocational and continuing education schools; there shall be one parking space for each two members of the faculty and employees, plus one space for each two full-time or equivalent regularly enrolled students and one bicycle parking space for every four students.
- (4) Schools having auditoriums or places of assembly; the provisions of paragraph b above shall apply if such application will provide a greater number of spaces than (1), (2), or (3) above. The required parking spaces shall be within the school property or on a parking lot contiguous thereto.
- (5) Day nurseries, nursery schools, and child care nurseries; there shall be one parking space for each member of the faculty, each employee, and the owner.

- ¶[p]. For small animal veterinary hospitals and clinics, there shall be provided four parking spaces for each doctor in any building or structure, plus one space for each employee.
- ¶[q]. For transportation facilities, requirements shall be as follows: For airports, railroad passenger stations, bus depots, or other passenger terminal facilities, such parking spaces and location of such spaces as the Planning Commission shall deem to be adequate for employees, the loading and unloading of passengers, spectators, visitors, and others.
- ¶[r]. For skating rinks, there shall be at least one parking space for each five persons permitted to occupy the building at any time by the occupancy rating of the building or one parking space for each one hundred square feet of gross floor area, whichever provides the lesser number of spaces.
- ¶[s]. For beauty colleges, there shall be one parking space for each two regularly enrolled students, plus one parking space for each two employees, plus one square foot of parking area for each square foot of gross floor area.
- ¶[t]. For Video Game Arcades, Family Restaurant, Game and Entertainment Centers and similar establishments having amusement devices as defined in Section 9-501, there shall be one bicycle parking space provided for every three such devices. Automobile parking space shall be provided as required by the applicable zone district.

28. ~~Cocktail Lounge-Restaurant. Whenever a cocktail lounge is proposed in conjunction with and subordinate to a restaurant, the following shall apply:~~
- a. ~~The cocktail lounge shall be designed as an integrated part of the restaurant within which it is located.~~
 - b. ~~The cocktail lounge shall be entered only from within the restaurant. There shall be no outside entrance to the cocktail lounge except for emergency use only.~~
 - c. ~~The cocktail lounge shall be operated only during the hours that the restaurant is open for business.~~
 - d. ~~The area of any cocktail lounge shall not constitute more than 25 percent of the gross floor area of the restaurant within which it is located.~~
 - e. ~~The cocktail lounge may not utilize outdoor advertising except in conjunction with the restaurant.~~

SECTION 53. Subsection 29. of Section 12-306-N of the Fresno Municipal Code is repealed.

Definition

29. ~~Cafe Dancing. Whenever property is proposed to be used for cafe dancing, the following shall apply:~~
- a. ~~That area to be used for dancing shall be designed and operated as an integrated part of the restaurant in which it is located and shall not occupy more than ten percent of the gross floor area thereof.~~
 - b. ~~The area used for dancing shall be entered only from within the restaurant, with no outside entrance to the dancing area except for emergency use only.~~
 - c. ~~Dancing shall occur only during the hours that the restaurant is open for the business of preparing and serving food and drink to patrons from a regular menu.~~
 - d. ~~Dancing shall not be advertised outdoors except in conjunction with the restaurant.~~
 - e. ~~The owner or operator of the restaurant shall obtain and maintain at all times a valid dance permit from the city controller pursuant to Article 19 of Chapter 9.~~

~~Application for the dance permit shall be reviewed and approved by both the Police Department and the Fire Department to insure protection of the health, safety and welfare of the restaurant patrons, the surrounding properties and neighboring businesses and residents.~~
 - f. ~~The operation of the restaurant shall comply with all provisions of the Noise Ordinance of the City of Fresno (Article 1 of Chapter 10), including all amendments thereto.~~
 - g. ~~Additional off-street parking shall be provided for the restaurant as follows: For the area of the restaurant designated for dancing, there shall be one parking space for each ten square feet of floor area. This requirement shall not apply to restaurants in which dancing is permitted only after 9:00 p.m.~~

~~h. Failure to comply with any of the provisions of this subsection shall be grounds for the revocation of the dance permit, as provided for in Article 19 of Chapter 9.~~

SECTION 54. Section 12-326 is added to the Fresno Municipal Code to read:

New Section

SECTION 326. RESTAURANTS, TAVERNS, and NIGHT CLUBS

A. Intent. The intent of this Section is to:

1. Clearly define these land uses.
2. Classify these uses by zone district.
3. Set development parameters for each type of use.
4. Establish specific and unique processing procedures.
5. Determine the appropriate granting authority.
6. Establish revocation procedures.

B. Applicable uses. There are three types of use applicable to this Section: restaurants serving alcoholic beverages, taverns and night clubs. Restaurants not serving alcoholic beverages are not subject to this Section (12-326). These three uses are defined in Subsections 12-105-R-5., 12-105-N-0.5., and 12-105-T-0.5, respectively.

1. If the business serves alcoholic beverages, it is required to obtain the appropriate license from the State of California, Department of Alcohol Beverage Control (ABC): and
 - a. Pursuant to Section 12-304, they must obtain approval of a conditional use permit for the retail sale of alcohol.
 - b. All night clubs, whether or not they sell alcoholic beverages require a conditional use permit.
2. Only a Night Club may provide a dance floor for customer dancing.

C. Applicable Zone Districts. Each of the uses subject to this Section has been added as a use permitted subject to a conditional use permit to each

applicable zone district.

D. **Plan Consistency.** All entitlements filed under the auspices of this Section, shall be consistent with all applicable Plans.

E. **Special Standards of Development.** The following special standards have been crafted for Restaurants with alcohol sales, Taverns and Night Clubs. If there is a conflict between these standards and the standards of an applicable adopted Plan, the more restrictive standard shall govern unless said adopted plan contains specific language stating that the provisions of the plan prevails.

1. Table I, Table II and Table III, below, establish specific criteria for four standards. They are, with a brief description:

- a. **Setback.** Minimum horizontal distance, measured in feet, between the building, or portion of a building, occupied by the use, and the closest property line of existing residential uses, or property planned or zoned for residential uses.
- b. **Floor Area.** Maximum gross floor area of the occupancy, measured in square feet.
- c. **Time to Stop Sales, Service and Consumption of Alcohol.** Hour for each day of the week at which time the sale, service and consumption of alcoholic beverages shall cease. All alcoholic beverages must be removed from the customer area at the appointed hour. Each business may establish the time of “last call” for ordering alcoholic beverages.
- d. **Granting Authority.** Identifies the granting authority for each type of application.

2. Whenever Tables I, II and III specifies “No additional requirements”, the standards of the District and/or adopted Specific/Community Plan in which the project is located shall apply.

3. The special standards of Tables I, II and III are not subject to modification by Variance or Minor Deviation Application.

TABLE I: Restaurant serving alcohol				
<u>Zone District</u>	<u>Special Standards of Development</u>			
	<u>Setback</u>	<u>Floor Area</u>	<u>Time to Stop Sales, Service and Consumption of Alcohol</u>	<u>Granting Authority</u>
<u>All Districts where listed as permitted</u>	<u>No additional requirements</u>		<u>12:30 am: Nightly</u>	<u>Director</u>
<u>Mixed Use Project</u>	<u>When a restaurant is included as part of a mixed use project, it is subject to the provisions of the Mixed Use Ordinance Section 12-325, and the Special Standards of this Table. However, if the restaurant is located in a building of three or more stories, and there is a residential use within said building, the closing hour of alcohol service may be extended to 2:00 am, nightly.</u>			

TABLE II: Tavern				
Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-P	Minimum setback: 50-ft		10:00 pm Nightly	Director
	If setback is less than 200-ft:	Then maximum floor area is 2,500 sq. ft.		
	If setback is 200-ft or more:	Then maximum floor area is 4,000 sq. ft.		
	No additional requirements if located within a Hotel and access is only through the Hotel lobby		2:00 am Nightly	Director
C-1	Minimum setback: 50-ft		12:30 am: Sun. thru Thurs. 1:00 am. Fri. & Sat.	Director
	If setback is less than 200-ft:	Then maximum floor area is 2,500 sq. ft.		
	If setback is 200-ft or more:	Then maximum floor area is 4,000 sq. ft.		
C-2	Minimum setback: 50-ft		12:30 am: Sun. thru Thurs. 2:00 am. Fri. & Sat.	Director
	If setback is less than 200-ft:	Then maximum floor area is 3,000 sq. ft.		
	If setback is more than 200-ft, but less than 300-ft:	Then maximum floor area is 4,000 sq. ft.		
	If setback is equal to or more than 300-ft but less than 400-ft:	Then maximum floor area is 5,000 sq. ft.		
	If setback is 400-ft or more:	Then maximum floor area is 6,000 sq. ft.		
If a proposal for a project does not meet the requirements for these special standards (i.e., setback, floor area, or time to stop alcohol service) of development, except that there always shall be a minimum setback of 50-feet, refer to Subsection 12-326-G for details.				Planning Commission

TABLE II: Tavern

TABLE II: Tavern				
Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-3	If setback is less than 200-ft.	No additional requirements	2:00 am Nightly	Planning Commission
	If setback is 200-ft. or more.			Director
C-4	No additional requirements		2:00 am Nightly	Director
C-5	If setback is 50-ft. or less	Maximum floor area is 4,000 sq. ft. except if located within the Tower District Specific Plan area then there is no maximum floor area.	2:00 am Nightly	Planning Commission
	If setback is 50-ft. or more			Director
C-6	If setback is 50-ft. or less		2:00 am Nightly	Planning Commission
	If setback is 50-ft. or more			Director
C-R	No additional requirements.		2:00 am Nightly	Director
C-M	Minimum setback: 50-ft.		2:00 am Nightly	
	If setback is less than 200-ft.	If floor area is 2,500 sq. ft. or less		Director
		And floor area is more than 2,500 sq. ft		Planning Commission
	No additional requirements when located within the boundaries of the Central Area Community Plan.			Director
M-1-P	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
M-1	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
				If setback is 200-ft. or more
	No additional requirements when located within the boundaries of the Central Area Community Plan.			
M-2	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
M-3	Minimum setback: 50-ft.	If floor area is 2,500 sq. ft. or less	2:00 am Nightly	Director
	If setback is less than 200-ft.	And floor area is more than 2,500 sq. ft.		Planning Commission
	If setback is 200-ft. or more			Director
CC	No additional requirements		2:00 am Nightly	Director
C-L	Not a permitted use in this District.			
Mixed Use Project	When a tavern is included as part of a mixed use project, it is subject to the provisions of the Mixed Use Ordinance Section 12-325, and the Special Standards of this Table. However, if the tavern is located in a building of three or more stories, and there is a residential use within said building, the closing hour may be extended to 2:00 am, nightly.			

TABLE III: Night Club				
Zone District	Special Standards of Development			
	Setback	Floor Area	Time to Stop Sales, Service and Consumption of Alcohol	Granting Authority
C-P	Not a permitted use unless located within a Hotel and access is only through the Hotel lobby; Then no additional requirements.			Director
C-1	Not a permitted use in this District			
C-2	Minimum setback: 50-ft		12:30 am: Sun. thru Thurs. 2:00 am Fri. and Sat.	Planning Commission
	If setback is less than 200-ft:	Then maximum floor area is 3,000 sq. ft.		
	If setback is 200-ft or more, but less than 300-ft:	Then maximum floor area is 4,000 sq. ft.		
	If setback is 300-ft or more but less than 400-ft:	Then maximum floor area is 5,000 sq. ft.		
	If setback is 400-ft or more:	The maximum floor area is 6,000 sq. ft.		
	If a proposal for a project does not meet the requirements for these special standards of development standards (i.e., setback, floor area, or time to stop alcohol service), except that there always shall be a minimum setback of 50-feet, refer to Subsection 12-326-G for details.			Planning Commission
C-3	If setback is less than 500-ft.	No additional requirements	2:00 am Nightly	Planning Commission
	If setback is 500-ft. or more			Director
C-4	No additional requirements		2:00 am Nightly	Director
C-5	Not a permitted use unless located within the boundaries of the Tower District Specific Plan area; Then no additional requirements.		2:00 am Nightly	Planning Commission
C-6	No additional requirements.		2:00 am Nightly	Planning Commission
C-R	No additional requirements.		2:00 am Nightly	Planning Commission
C-M	Not a permitted use unless located within the boundaries of the Central Area Community Plan, then no additional requirements.		2:00 am Nightly	Director
M-1-P	Not a permitted use.			
M-1	Not a permitted use unless located within the boundaries of the Central Area Community Plan, then no additional requirements.		2:00 am Nightly	Director
M-2	Not a permitted use.			
M-3	Not a permitted use.			
CC	No additional requirements.		2:00 am Nightly	Director
C-L	Not a permitted use.			
Mixed Use Project	When a night club is included as part of a mixed use project, it is subject to the provisions of the Mixed Use Ordinance Section 12-325, the property development standards of the underlying zone district, and the Special Standards of this Table.			

F. **Additional Criteria.** Each application shall be subject to the following criteria.

1. Operational statement.

The operational statement shall include, but not be limited to the following:

- (1) Applicant's name, business address, & contact information;.
- (2) Information as to persons doing business under fictitious names, members of partnerships, and officers of corporations or associations;
- (3) Exhibits that include a site plan and a detailed floor plan of the premises;
- (4) An evacuation plan in case of emergency;
- (5) Hours of operation;
- (6) Security Plan (including efforts to ensure that the parking area is monitored to prohibit loitering and crowd and line control);
- (7) Efforts that have been taken to discuss the proposal with neighbors;
- (8) Copy of a valid Business Tax Certificate, if in business; and
- (9) Any additional information as the Director may reasonably require to properly evaluate the application.

2. Multiple phases of operation.

If a business proposes to operate in more than one mode of operation, e.g., a restaurant that converts to a night club in the evening, each phase shall be evaluated and conditions shall be assigned accordingly. Each phase must be allowed in the district.

3. Posting hours of operation and address.

The owner and/or proprietor and/or applicant shall be responsible to conspicuously post the hours of operation for each phase type (i.e., restaurant, nightclub) near the entrance of the establishment. It shall be

8.5x11 inches in size, to be provided for by the City. This posting shall be made available to City officials upon request. Additionally, the address of each facility shall be posted in compliance with City codes.

4. Security.

The Police Department shall make a recommendation to the Director for security measures for each application based upon the function of the establishment as described in the operational statement.

5. Third Party Promoters.

Whenever an event is promoted by a Third Party the owner and/or proprietor and/or operator of the premises shall require that said Third Party obtain a business tax certificate from the City prior to holding such event.

6. Loitering.

a. The owner and/or proprietor, and/or operator of the establishment is responsible to provide supervision (i.e., security) to prevent loitering in the immediate vicinity of the establishment.

(1) During operating hours, the owner and/or proprietor shall prohibit loitering in the parking area.

(2) After closing hours, the immediate vicinity of the establishment including its designated parking area, shall be cleared within 15 minutes. The designated parking area, shall be oriented away from residences as much as possible, and shall be clearly depicted on the development plan submitted for the conditional use permit.

b. In the event that there is more than one establishment sharing a parking area, adjustments to the conditions of approval to each

establishment shall be made so that there is a shared responsibility.

7. Patio Areas.

- a. Patios should be oriented and designed away from residences and must be buffered to ensure that noise is mitigated per the Noise Ordinance.
- b. If a proposed patio area is located within 1,000 feet of property planned or zoned for residential uses and is proposed to be used after 10 pm, an acoustical analysis must be conducted to ensure compatibility with the adopted City of Fresno Noise Ordinance. The analysis shall be submitted at the time of application.
- c. An acoustical analysis is not required when the patio area is either a part of a mixed use project that contains a residential component, is located within the boundaries of the Central Area Community Plan south of Divisadero Street, or the designated special area of the Tower District Specific Plan. However, if in a residential mixed use project, there are residences outside of the site within 1,000 ft., an analysis is still required.

8. Noise.

Noise levels shall not exceed adopted levels per Fresno Municipal Code Chapter 10, Article 1.

9. Special Days of Celebration.

The hours of operation, as illustrated in Tables I, II and III above, for the sale of alcohol on special days of celebration shall be the same as designated for weekend service. They are:

Federal Holidays	Other Days of Celebration
<u>New Years Day</u>	<u>New Years Eve</u>
<u>Birthday of Martin Luther King, Jr.</u>	<u>Mardi Gras Day</u>
<u>Washington's Birthday</u>	<u>St. Patrick's Day</u>
<u>Memorial Day</u>	<u>May 5th (Cinco de Mayo)</u>
<u>Independence Day</u>	<u>Halloween</u>
<u>Labor Day</u>	<u>Thanksgiving Day Eve</u>
<u>Columbus Day</u>	
<u>Veterans Day</u>	
<u>Thanksgiving Day</u>	
<u>Christmas Day</u>	

In addition, given the ethnic and cultural diversity of the city, the Planning Director, in consultation with the Police Chief, may authorize up to four other recognized cultural days of celebration per year per establishment upon review and approval.

10. Non-operating Rule.

Whenever all of the rights granted by a conditional use permit are discontinued, the following rules to reestablish the use shall apply:

- a. One Year or less: The same operator or a different operator may reestablish the use pursuant to the preexisting conditional use permit and all conditions applicable thereto.
- b. More than One Year: A new conditional use permit is required.

11. Dancing:

Refer to Section 12-327.

G. **Procedures.** Procedures for the processing of an application shall be in accordance with the provisions of Section 12-405 and 12-406, with the following modifications:

- 1. Granting Authority. If, as specified in Tables I, II and III the granting authority is the:

- a. Director. The application shall be processed pursuant to Sections 12-405 and 12-406.
- b. Planning Commission. A duly noticed public hearing shall be conducted by the Commission who will approve, approve with conditions or deny the application.
- c. An application for a Tavern or Night Club located in the C-2 District that does not comply with either the setback, floor area, or time to stop alcohol service, shall be subject to the following:
 - (1) Neighborhood Meeting. The applicant shall conduct a public meeting, at its expense, prior to submitting their application. The purpose of this meeting is to acquaint the neighborhood with the proposed operation and to receive comment. The applicant shall provide participants with a detailed operational statement which shall also be submitted to the City. A detailed report of the meeting shall be submitted to the city with the application.
 - (i) Notices of the meeting shall be mailed by first class mail, a minimum 10 days prior to the meeting date, to every owner whose name and address appears on the last equalized County Assessment Roll for any property within 500 feet of the exterior boundaries of the subject property, or District if within a shopping center. Proof shall be submitted to the City that such a notice was mailed.
 - (ii) The meeting shall be held at a place acceptable to

the Director.

(iii) The meeting shall begin between the hours of 6:00 p.m. and 7:00 p.m.

(iv) The meeting shall not be held on a Friday, Saturday, Sunday, or on any of the Special Days of Celebration, as listed in Subsection 9. above.

(2). This matter shall be presented to the Planning Commission.

2. Public Notice.

a. All public notices shall be mailed to property owners within 500 feet of the subject site.

(1) If the project is the sole use of the property (not a part of a shopping district), measure from the property lines of the subject site: or

(2) If the project site is part of a shopping district, measure from the exterior boundaries of the shopping center (District boundaries).

b. Posting. The owner/proprietor/applicant shall be responsible to post required notices in a prominent place near the entrance to the premises.

It shall be 11x17 inches in size, to be provided for by the City.

H. Revocation.

1. Procedure. For good cause, a special permit authorizing the establishment of a restaurant, tavern or night club, may be revoked pursuant to Section 12-405-E. In addition to the examples of what constitutes "good cause" in Section 12-405-E, examples also include, but are not limited to:

a. Frequent calls for service to the Fresno Police Department regarding on-site issues, defined as occurring more than 1.5 times

the average number of such response for property of a similar size and character and as further set forth and defined in the Management of Real Property Ordinance.

- b. When police calls for service where Part 1 Violent Crimes, such as aggravated assault, rape, assault with a deadly weapon, attempted murder, murder or an assault on a peace officer occur twice in a rolling twelve month period.
- c. Failure to comply with any condition contained in the special permit.
- d. Not functioning as the use approved by the special permit; as a restaurant, as a tavern or as a night club.

2. Director Initiation. The revocation process will be initiated by the Director within 10 business days after notification in writing of the following circumstances:

- a. Frequent calls for service regarding on-site issues, defined as occurring more than 1.5 times the average number of such response for property or a similar size and character.
- b. Resolution of a citation for failure to comply with a condition of the special permit is not forthcoming within 15-days.
- c. If there is resolution to a citation in a timely fashion, but there are additional citations issued three times in a rolling six month period.

I. **Existing Uses.**

- 1. Nonconforming: Existing establishments that have been legally established under previous regulations but do not conform to current law, may continue to operate as a recognized nonconforming use pursuant to Section 12-317, but shall not be subject to the amortization period set forth therein for Nonconforming Uses of Land or Nonconforming Uses of

Buildings.

2. Loss of Nonconforming Status: Changes to an existing use that would cause the loss of a nonconforming status are, but not limited to, the following:
 - a. When a business is closed for one continuous year.
 - b. Change of use, e.g., from restaurant to a night club or if a single use would like to establish multiple uses.
 - c. An increase of floor area (including patio area) for the existing use.
 - d. A request to close at a later time.
 - e. Pursuant to §23790 of the Business and Professional Code, State of California, a change in license type for the sale of alcoholic beverages (ABC License: i.e., from type 41 to type 47) shall be considered an interruption of use, requiring that the new license type be consistent with current zoning and land use regulations.
3. When a nonconforming status is lost, any subsequent use must be consistent with current zoning and land use regulations and a new conditional use permit is required.

SECTION 55. Section 12-327 is added to the Fresno Municipal Code to read:

SECTION 327. DANCING

1. Dance types are being reduced from four dance permits (CLASS A, Café Dance, CLASS B(1), Social Dance, CLASS B(2) Social Dance, and CLASS C, commercial dance) to two dance types, Single Event and Night Club, while acknowledgement and status is given to valid dance permits that were issued by the Finance Department in accordance with the previous Ordinance but do not meet the current requirements as required by this

Ordinance.

(a) The following conditions shall define and apply to dances:

- (1) Type I: Single Event: Single event dances may be conducted by nonprofit organizations where such dances are not open to the general public. A total of 10, single event dances may be held per calendar year per nonprofit organization. A Conditional Use Permit is not required.
- (2) Type II: All other dances. May only be conducted in a Night Club per Sections 12-326 and 12-327, A Conditional Use Permit is required.

(b) Hours of dancing:

Hours of Dancing		
Age of Participants	Closing Hour	Extensions
Under 18 years of age	12 midnight	-----
Under the age of 21	1 o'clock am	-----
21 and over	2 o'clock am	5 o'clock a.m. on New Years day
	Night Clubs may stay open until 4 o'clock a.m. in the Central Area Community Plan boundaries south of Divisadero Street.	
Restricted Hours	No dancing shall be held between the applicable closing hour and 8 o'clock a.m. of any day.	

(c) Existing dance permits

- (1) A dance permit granted pursuant to the previous ordinance for what was classified as Café Dance or Commercial Dance, is considered valid in regard to the dance permit, and may continue to operate pursuant to that approval.

2. The status is relinquished when any of the items per 12-326-I are met.

SECTION 56. SEVERABILITY. The Council declares that the provisions of this ordinance are severable.

If, for any reason, any sentence, paragraph, or section of this ordinance is determined by a court of competent jurisdiction to be invalid, such determination will not affect the validity of the remaining provisions of this ordinance.

SECTION 58. Staff shall return to the City Council approximately one year from the date of adoption to discuss intended consequences and potential unintended consequences, if any, and to potential modifications to this ordinance.

SECTION 57. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)ss
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the _____ day of _____, 2009, by the following vote.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2009
Mayor Approval/No Return: _____, 2009
Mayor Veto: _____, 2009
Council Override Veto: _____, 2009

REBECCA E. KLISCH
City Clerk

By:

APPROVED AS TO FORM
JAMES C. SANCHEZ
CITY ATTORNEY

By: _____ Date: _____
John Fox
Senior Deputy